

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

FAITH MAKELY,)	
)	
Plaintiff,)	
)	Case No. CIV-22-785-PRW
v.)	
)	
THE UNITED STATES OF AMERICA ex)	
rel. UNITED STATES AIR FORCE,)	
)	
Defendant.)	
)	

COMPLAINT

COMES NOW the Plaintiff, Faith Makely, and for her cause of action against Defendant, the United States of America ex rel. United States Air Force, alleges and states as follows:

1. This is a civil action for premise liability negligence with an amount in controversy exceeding Seventy-Five Thousand (\$75,000.00) exclusive of interest and costs.
2. This claim for premise liability negligence is brought against the United States of America, *ex rel*, United States Air Force pursuant to 28 U.S.C. § 2671 *et seq*.
3. The Plaintiff, Faith Makely, is a citizen and resident of the State of Oklahoma.
4. The Defendant owns and/or operates a governmental facility in the State of Oklahoma at all relevant times.
5. Venue is proper pursuant to 28 U.S.C. § 1346(b).
6. This Court is vested with subject matter jurisdiction pursuant to 28 U.S.C. § 1346(b).

7. Defendant is a Federal agency within the meaning of the Governmental Tort Claims Act.

8. Defendant was properly and timely served with a notice of this claim pursuant to 28 U.S.C. § 2675.

9. On March 9, 2022, Plaintiff received a final denial (from the United States Air Force) of the claim pursuant to 28 U.S.C. § 2675.

10. The Plaintiff has complied with all notice and demand requirements as set forth in 28 U.S.C. § 2675.

11. On January 24, 2019, Plaintiff, Faith Makely, was a business invitee on the premises of the Defendant's Gerrity Annex Gymnasium, on Tinker Air Force Base, City of Midwest City, Oklahoma County, State of Oklahoma.

12. Gerrity Annex Gymnasium is a governmental facility operating in the State of Oklahoma at all relevant times.

13. The United States Air Force, which operates Tinker Air Force Base and Gerrity Annex Gymnasium, is a Federal agency or department within the meaning of the Governmental Tort Claims Act.

14. That at the time and on the subject occasion, Plaintiff, Faith Makely, was a business invitee on Defendant's property, having gone to Defendant's property to exercise.

15. That on January 24, 2019, Defendant, by and through its agent, employee, and/or servant, negligently caused serious injuries to Plaintiff when certain exercise

equipment, which was in exclusive control of Defendant, malfunctioned and struck Plaintiff's face.

16. Specifically, on January 24, 2019, a large metal box affixed to the wall and containing exercise equipment, became unaffixed to the wall, detached, fell and struck Plaintiff's face.

17. That on or about January 24, 2019, the Defendant, by and through its agents, employees, and/or servants, negligently failed to maintain safe premises and to warn of any dangers to the Plaintiff, such as the aforementioned malfunction.

18. That Defendant failed to keep its property free of a hazard to which Plaintiff was exposed and such exposure was substantially certain to result in serious injury.

19. That Defendant is responsible for the condition of its property and the safety of its invitees.

20. That as a direct and proximate result of the negligence of the Defendant, the Plaintiff has sustained serious bodily injuries; has sustained aggravation of all pre-existing injuries; has incurred and will incur future medical expenses; has incurred and will incur future loss of wages; has suffered tremendous mental pain and suffering and has incurred property damages all in an amount in excess of \$75,000.00.

WHEREFORE, the Plaintiff, Faith Makely, prays judgment over and against the Defendants, the United States of America, *ex rel*, Tinker Air Force Base and Gerrity Annex Gymnasium, in an amount in excess of \$75,000.00, together with interest, cost, and all other relief the Court deems just and equitable.

Respectfully Submitted,

s/David L. Teasdale

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